IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 1965 of 2007(H)

PETITIONER:

K.G. RAVINDRAN, U.D. CLERK,
KOZHIKODE CORPORATION, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. DIRECTOR OF URBAN AFFAIRS,
THIRUVANANTHAPURAM.

2. KALPATTA MUNICIPALITY, REP. BY ITS
SECRETARY, KALPATTA, WAYANAD.

3. THE CHAIRPERSON, KALPATTA MUNICIPALITY
KALPATTA, WAYANAD.

R1 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No.1965 OF 2007 H
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Dated this the 20th February, 2007

J U D G M E N T

The petitioner is working as Upper Division Clerk in the office of the Kozhikode Corporation. He was transferred from Kalpatta Municipality to Kozhikode Corporation on 19-7-2006. While working in Kalpatta Municipality he was allowed to occupy the quarters belonging to the Municipality. In the normal course, an occupant of the quarters has got a duty to vacate the quarters immediately on his transfer. However, by virtue of the beneficial provision contained in the bye-laws the petitioner was allowed to occupy the quarters for a further period of six months. The petitioner knew very well that the period of six months provided as a grace period will expire on 18-1-2007. The petitioner while working in Kozhikode Corporation was occupying the quarters at Kalpatta, allowing his family members also to reside there. He did not take steps to find out any other place for the occupation of the family, though he knew very well that the period of six months granted as grace period will expire on 18-1-2007. After keeping silent for more than 5

months, he thought of filing Ext. P1 application on 1-1-2007 before the respondent-Municipality requesting to permit him to occupy the quarters till the end of the academic year. The Municipality considered that request and passed Ext. P2 stating that clause 9 of Ext. P3 bye-laws does not empower the Municipality to grant further extension. On that ground, the petitioner's request was rejected. Feeling aggrieved, this writ petition has been filed seeking for reliefs including a writ of certiorari to quash Ext. P2.

2. For the reasons stated above, I am of the view that the stand taken by the Municipality cannot be found fault with. The Municipality has passed Ext. P2 in terms of the bye-laws governing allotment, occupation, eviction etc. of the official quarters. The petitioner has no right to continue to occupy the quarters beyond the grace period allowed by the bye-laws. The writ petition is devoid of merit. Dismissed.

K.K. DENESAN
JUDGE

jan/